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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,495	06/25/2003	Thomas E. Creamer	BOC9-2002-0070 (367)	3535

40987 7590 06/18/2008

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EXAMINER	
NEWAY, SAMUEL G	
ART UNIT	PAPER NUMBER
2626	
MAIL DATE	DELIVERY MODE
06/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/603,495	CREAMER ET AL.	
	Examiner	Art Unit	
	Samuel G. Neway	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 19-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17 and 19-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is responsive to the RCE filed on 11 March 2008.

2. Claims 1 – 17 and 19 – 21 are pending and are considered below.

Response to Arguments

3. Applicant's arguments filed on 11 March 2008 have been fully considered but they are not persuasive.

Applicant argues that Kredo does not teach conversion from a text message to an alternative, shorter text message in steps 234 and 236 because "=)" is not considered as the same language of the text message. Applicant is reminded steps 234 and 236 are examples and that the disclosure related to these steps clearly teaches converting text to alternative, shorter text message ("an appropriate short hand representation", col. 8, lines 18-25) where the short hand representations are described as "acronyms, abbreviations, emoticons, and the like" (col. 8, lines 18-25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1 – 7 and 9 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jong (USPN 6,173,250) in view of Kredo et al (USPN 6,816,578) and in further view of Marko et al. (USPGPub 2004/0049389).

Claim 1:

Jong discloses a method of voice-to-text reduction for real-time messaging (Abstract), comprising the steps of:

receiving a speech input at a calling party ("receiving audio input signals from the user", col. 3, lines 13-20);

transcribing the speech input to a text message in a same language ("converting them into textual representations", col. 3, lines 13-20);

converting the text message to an alternative text message based upon at least one of a calling party profile and a called party profile ("translates the text data into text data of the selected language …", col. 9, lines 6-11, FIG. 9 and related text. Note that the specific selected language is a called party's profile) wherein at least one of said profiles specifies replacing at least a portion of said text message with an alternative text portion having a same meaning as said replaced portion of said text message (the translation has the same meaning as the text data).

However, Jong does not explicitly disclose converting the text message to an alternative text in the same language wherein the alternative text message has a shorter length than the replaced text message.

In a similar instant messaging system, Kredo discloses converting a text message into an "appropriate short hand representation" (col. 8 lines 18-25).

It would have been obvious to one with ordinary skill in the art at the time of the invention to include Kredo's short hand representations in Jong's translation dictionary because using acronyms and abbreviations is standard practice for instant messaging systems (Kredo, col. 7, lines 6-8).

Furthermore, Jong and Kredo do not explicitly disclose compressing the translated text message prior to transmission.

Marko discloses a similar method of transmitting text messages where the text messages are compressed prior to transmission ("compress the text prior to transmission …", [0021]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to compress text messages prior to transmission in order to "reduce the required channel bit rate" (Marko, [0021]).

Jong further discloses transmitting the text stream to a called party ("textual representations are the sent to the subscriber terminal", col. 3, lines 13-20);

receiving the alternative text message by the called party as the text stream ("communication is achieved by the sending of continuous streams of text data", col. 3, lines 20-24);

and rendering the alternative text message at the called party substantially in real-time ("realtime communication is achieved", col. 3, lines 20-24).

Claim 2:

Jong, Kredo and Marko disclose the method of claim 1, Jong further discloses, wherein the method further comprises the step of sending a voice signature of the

calling party to the called party ("a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 3:

Jong, Kredo and Marko disclose the method of claim 1, Jong further discloses, wherein the method further comprises the step of maintaining a voice signature repository of the calling party for access by a called party of a voice signature of the calling party when receiving a call from the calling party ("a speech pattern of the party actually sending the text data may be stored in the speech pattern database ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 4:

Jong, Kredo and Marko disclose the method of claim 1, Jong further discloses, wherein the step of rendering comprises the step of converting the alternative text message at the called party to a speech output by using text-to-speech conversion ("the text data … may be forwarded to the text to speech conversion device… where the text data in converted", col. 5, lines 25-30).

Claim 5:

Jong, Kredo and Marko disclose the method of claim 2, Jong further discloses, wherein the step of rendering comprises the step of converting the alternative text message at the called party to a speech output by using text-to-speech conversion in conjunction with the voice signature of the calling party ("the text to speech converter 407 converts the text data into speech output signals using synthesized speech pattern

", col. 6, lines 13-16, "a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 6:

Jong, Kredo and Marko disclose the method of claim 1, Jong further discloses, wherein the method further comprises the step of translating the alternative text message to another language to provide a translated alternative text message ("the language translator 900 performs language translation", col. 9, lines 14-19).

Claim 7:

Jong, Kredo and Marko disclose the method of claim 6, Jong further discloses, wherein the step of transmitting comprises the step of transmitting the translated alternative text message ("the speech recognition device 203 outputs text data in a selected language", col. 8, lines 61-64).

Claim 9:

Jong, Kredo and Marko disclose the method of claim 6, Jong further discloses, wherein the step of rendering comprises the step of converting translated alternative the text message at the called party to a speech output by using text-to-speech synthesis in conjunction with the voice signature of the calling party("the text to speech converter 407 converts the text data into speech output signals using synthesized speech pattern ", col. 6, lines 13-16, "a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 10:

Jong, Kredo and Marko disclose the method of claim 6, Jong further discloses, wherein the step of rendering comprises wherein the step of rendering comprises the step of converting the alternative text message at the called party to a speech output by using text-to-speech conversion ("the text data … may be forwarded to the text to speech conversion device… where the text data in converted", col. 5, lines 25-30), and wherein the method further comprises:

adding the translated alternative text message to the data stream ("textual representations are the sent to the subscriber terminal", col. 3, lines 13-20);

displaying the translated alternative text message in the called party's location substantially in real time ("the text data can be displayed", col. 5, lines 24-30).

Claim 11:

Jong disclose a system for voice-to-text reduction for real-time messaging (Abstract), comprising:

a microphone for receiving a calling party's speech input (FIG. 2, item 212, and related text);

a speech-to-text converter for converting the calling party's speech input to a text message in a same language as the speech input (FIG. 2, item 203, and related text);

a voice portal for converting the text message to an alternative text message based upon at least one of a calling party profile and a called party profile ("translates the text data into text data of the selected language …", col. 9, lines 6-11, FIG. 9 and related text. Note that the specific selected language is a called party's profile), wherein at least one of said profiles specifies replacing at least a portion of said text message

with an alternative text portion having a same meaning as said replaced portion of said text message (the translation has the same meaning as the text data).

However, Jong does not explicitly disclose converting the text message to an alternative text in the same language wherein the alternative text message has a shorter length than the replaced text message.

In a similar instant messaging system, Kredo discloses converting a text message into an "appropriate short hand representation" (col. 8 lines 18-25).

It would have been obvious to one with ordinary skill in the art at the time of the invention to include Kredo's short hand representations in Jong's translation dictionary because using acronyms and abbreviations is standard practice for instant messaging systems (Kredo, col. 7, lines 6-8).

Furthermore, Jong and Kredo do not explicitly disclose compressing the translated text message prior to transmission.

Marko discloses a similar method of transmitting text messages where the text messages are compressed prior to transmission ("compress the text prior to transmission …", [0021]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to compress text messages prior to transmission in order to "reduce the required channel bit rate" (Marko, [0021]).

Jong further discloses a transmitter for transmitting the text message as a text stream to a called party (FIG. 2, item 205, and related text);

a receiver for receiving the alternative text message from the called party (FIG. 2, item 205, and related text);

and a rendering device for rendering the alternative text message substantially in real-time (FIG. 2, item 204, and related text).

Claim 12:

Jong, Kredo and Marko disclose the system of claim 11, Jong further discloses, wherein the system further comprises a translator for translating the alternative text message into another language (FIG. 9, item 900, and related text).

Claim 13:

Jong, Kredo and Marko disclose the system of claim 11, Jong further discloses, wherein the system further comprises a text-to-speech synthesizer and the rendering device comprises a speaker for providing an audible output of the received alternative text message from the called party (FIG. 2, items 206, 211, and related text).

Claim 14:

Jong, Kredo and Marko disclose the system of claim 13, Jong further discloses, wherein the text-to-speech synthesizer uses a voice signature of the called party in producing the audible output (FIG. 4, item 406, and related text, “a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output”, col. 6, lines 28-31).

Claim 15:

Jong, Kredo and Marko disclose the system of claim 13, Jong further discloses, wherein the system further comprises a translator for generating a translated alternative

text message in another language ("the language translator 900 performs language translation", col. 9, lines 14-19), wherein said translated alternative text message is included in said text stream (FIG. 2, item 205, and related text) and,

wherein the rendering device further comprises a display for displaying the translated alternative text message from the calling party in substantially real-time (FIG. 2, item 204, and related text).

Claim 16:

Jong, Kredo and Marko disclose the system of claim 11, Jong further discloses, wherein the text streams are received and transmitted over an instant messaging/chat system ("one type of communication generally used by the subscriber terminals 100 and 110 is chat", col. 4, lines 57-63).

Claim 17:

Jong, Kredo and Marko disclose the system of claim 11, Jong further discloses, wherein the text streams are received and transmitted over a messaging system using data transmission protocols ("set up communications protocols … to initiate the communications process", col. 4, lines 25-31).

Claim 19:

Claim 19 is similar in scope and content to claim 1 and; therefore claim 19 is rejected with the same rationale.

Claim 20:

Claim 20 is similar in scope and content to claim 5 and; therefore claim 20 is rejected with the same rationale.

Claim 21:

Claim 21 is similar in scope and content to claim 10 and; therefore claim 10 is rejected with the same rationale.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jong (USPN 6,173,250) in view of Kredo et al (USPN 6,816,578) in further view of Marko et al. (USPGPub 2004/0049389) and in further view of Flanagan et al. (USPN 6,339,754).

Claim 8:

Jong, Kredo and Marko disclose and make obvious the method of claim 6, however, none of Jong, Kredo or Marko explicitly disclose, wherein the step of translating the alternative text message occurs in a server on a network coupled between the calling party and the called party.

Flanagan discloses a speech translation system similar to Jong's where "translation services are provided by one or more dedicated servers …" (col. 6, lines 46-50).

It would have been obvious to one with ordinary skill in the art at the time of the invention to use translation servers as suggested by Flanagan, for the translation step in Jong's method in order to avoid every device used in Jong's system having to be equipped with a translation system and use a common translation system on a network as is well known in the computing arts.

Conclusion

7. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. G. N./
Examiner, Art Unit 2626
/David R Hudspeth/
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